

## REMARKS

### *Statement of the Substance of the Interview*

Examiner Lee and the Applicants' undersigned representative held a teleconference on December 1, 2009. The Applicants and their representative thank the Examiner for his time and courtesy in granting the interview.

During the interview, the rejection of claim 1 under 35 U.S.C. § 103(a) was discussed, specifically in regards to the teachings of the previously-cited *Kirsch* reference. The Applicants contend that *Kirsch* does not disclose, at the least, "[classifying] the message according to the IP address and domain pair based on one or more classification variables associated with the IP address and domain pair." In the interview, the Applicants' representative delineated how classifying a message based on classification variables corresponding to an IP address and domain pair as recited in claim 1 is patentably distinct from classifying a message based on classification variables corresponding to a sender as taught by *Kirsch*. This distinction is addressed further herein.

Examiner Lee appreciated the distinction, but pointed to *Kirsch*, which states that "the final IP address, final domain name, or IP path may be used instead of identifying the actual sender." *Kirsch* col. 8, l. 29-31. The Examiner contends that a combination of IP address and domain name may be substituted for the actual sender per the disclosure of *Kirsch*.

The Examiner's Interview Summary Record (*Interview Summary*) was made of record on December 2, 2009. The Examiner states that, in reference to the quoted portion of claim 1 above, that "[e]xaminer explained that **Kirsch teaches** the argued limitation." *Interview Summary*, 2 (emphasis added). The Applicants would like to note on the

record that the Examiner explained **how** *Kirsch* was applied to the quoted portion of claim 1 in rejecting the claims. The Applicants respectfully disagree with the Examiner's characterization of *Kirsch's* teaching in this regard, and disagree with the Examiner's position quoted above. The Applicants provide arguments below.

*Rejections under 35 U.S.C. § 103*

Claims 1, 3-5, 7-10, 13-15, 17, 28, and 30-35 stand rejected over the previously cited *Lalonde*, *Kirsch*, and *Wang* references. Dependent claims 2, 6, 11, 16, 19-21, and 23-27 are rejected over *Lalonde*, *Kirsch*, and *Wang* in view of previously cited *Murray*. Dependent claim 29 is rejected over *Lalonde*, *Kirsch*, and *Wang* in view of U.S. patent application publication number 2005/0076240 to Appleman (*Appleman*). The Applicants respectfully traverse these rejections in view of the combination of the *Lalonde*, *Kirsch*, and *Wang* references.

Claim 1 recites, in part:

A method of classifying a message transmitted over a network, comprising:

...

executing instructions stored in a computer readable storage medium to classify the message **according to the IP address and domain pair based on one or more classification variables associated with the IP address and domain pair**

...

(emphasis added)

To support a conclusion that the claim would have been obvious requires that all the claimed elements were known in the prior art and that one skilled in the art could have combined those elements. See *KSR v. Teleflex*, 127 S.Ct. 1727, 1739 (2007); see also MPEP § 2143. The Applicants submit that the combination of *Lalonde*, *Kirsch*, and *Wang* fails to disclose at least the aforementioned emphasized claim elements.

*Kirsch* discloses “an e-mail filtering method,” which includes “**identifying the actual sender**” of a message. *Kirsch*, Abstract (emphasis added). In order to identify the actual sender, *Kirsch* makes use of a signature generated by “[combining] a domain name of the sender . . . with the final IP address.” *Kirsch*, col. 8 l. 22-24. “**Once the actual sender is determined**, the e-mail message is categorized based on information about the **actual sender**.” *Kirsch*, col. 8, l. 31-33 (emphasis added). “**The information about senders** is compiled at the central database along with other statistics based on the collected information to determine a sender’s ‘reputation.’” *Kirsch*, col. 8, l. 44-46 (emphasis added). These statistics may include a score that “[indicates] the likelihood that a message from a particular **sender** is unsolicited.” *Kirsch*, col. 8, l. 56-58 (emphasis added).

*Kirsch* mentions that “the final IP address, final domain name, or IP path may be used **instead of** identifying the actual sender.” *Kirsch*, col. 8, l. 28-30 (emphasis added). However, *Kirsch*’s subsequent steps of message categorization are predicated upon identifying the actual sender, i.e., “**[o]nce the actual sender is determined**” and “**based on information about the actual sender**.” *Kirsch*, col. 8, l. 31-33 (emphasis added). *Kirsch* fails to elaborate how messages may still be classified in the event that the actual sender of the message is not identified. *Kirsch* therefore does not disclose “[classifying] the message **according to** the IP address and domain pair **based on** one or more classification variables **associated with the IP address and domain pair**” as recited in claim 1.

The Applicants further note that *Kirsch* fails to make the distinction between the actual sender and an ‘IP address and domain pair,’ as recited in claim 1. The assumption that an ‘actual sender’ and ‘IP address and domain pair’ are interchangeable fails to take into consideration the following scenario, addressed in the Applicants’ *Specification*:

[A]ssume that "bigcompanydomain.com" belongs to a big company that frequently sends good messages. However, "bigcompanydomain.com" is also often forged by spammers. Over time, certain cells in the row will gain a good reputation. These cells correspond to legitimate IP addresses associated with "bigcompanydomain.com". If a message arrives that falls into another cell in that row, that message may be classified as spam **even if the user has that domain white listed**, because of the strong evidence that that IP address is not a legitimate one. *Specification*, p. 16 l. 3-9.

In failing to make the distinction between actual sender and 'IP address and domain pair,' *Kirsch* does not acknowledge the difference between a sender of a message and an actual sender of a message. In the above example, the actual sender is a spammer, however, the sender is "bigcompanydomain.com." Since *Kirsch* relies on identifying the actual sender for classification, *Kirsch* fails to provide any mechanism for addressing the situation above, and would therefore blacklist or whitelist a sender inappropriately.

*Lalonde* does not overcome the deficiencies of the *Kirsch* disclosure in this regard.

*Lalonde* merely discloses a method for authenticating an electronic message, which includes determining whether the message was **sent by the sender**. See *Lalonde*, col. 5 l. 45-col. 6 l. 30 (emphasis added).

Similarly, *Wang* also fails to overcome the deficiencies of *Kirsch*. *Wang* teaches a mail transfer agent which is adapted to determine the disposition of incoming e-mail via a filter module. *Wang* discloses the use of reverse DNS verification to determine the identity of an originator of a particular e-mail message. See *Wang*, [0018].

In light of the foregoing, the Applicants contend that the combination of *Lalonde*, *Kirsch*, and *Wang* as set forth by the Examiner fails to render obvious, at the least, '[classifying] the message **according to the IP address and domain pair based on one or more classification variables associated with the IP address and domain pair**,' as recited in claim 1. The Applicants therefore contend that the rejection under 35 U.S.C. § 103(a) is overcome for at least the given reasons.

## CONCLUSION

The Applicants have provided herein a *Statement of Substance of the Interview* for the Interview conducted on December 1, 2009. The Applicants request that the provided statement be made of record.

The rejection under 35 U.S.C. § 103(a) is overcome since the disclosures of *Lalonde*, *Kirsch*, and *Wang*, either alone or in combination fail to teach the Applicants' independent claims. *Kirsch's* message classification is predicated on identifying the actual sender of a message, which is distinct from classifying a message according to an IP address and domain pair. The disclosures of *Lalonde* and *Wang* likewise fail in this regard.

As all outstanding rejections are overcome, the Applicants respectfully request the issue of a notice of allowance. The Examiner is invited to contact the Applicants' undersigned representative with any questions regarding the present application.

Respectfully submitted,  
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